IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee: Siebel Systems, Inc.

Title: Implementing Device Support in a Web-Based Enterprise Application

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APPEAL BRIEF

Dear Sir:

This brief is submitted in support of Appellant's Notice of Appeal, which was received at the Office on August 18, 2010. This brief follows the Notice of Panel Decision that was mailed on September 20, 2010, which specified a one-month period for submission of this brief. This brief is accompanied by a petition for a one-month extension of time, which extends the period for filing this brief to November 20, 2010. Please charge deposit account No. 502306 for the fee of $540.00 associated with this Appeal Brief and the fee of $130.00 for the extension of time. Please also charge this deposit account for any additional extensions of time or any other fees that are required for this appeal.

I. REAL PARTY IN INTEREST

The real party in interest on this appeal is Oracle Corporation. On January 31, 2006, Siebel Systems, Inc., the assignee of record, was acquired by Oracle Corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to this application.

III. STATUS OF CLAIMS

Claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45 are pending in the application.

None of the pending claims are withdrawn.

Claims 6, 13, 20, 34, and 37-39 were previously canceled.

Claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45 stand rejected in the Final Office Action dated February 18, 2010 (the "**Final Office Action**") and in the Advisory Action dated May 10, 2010 (the "**Advisory Action**").

Appellant appeals the final rejection of claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45.

IV. STATUS OF AMENDMENTS

Appellant submitted amendments on April 19, 2010, subsequent to the final rejection of February 18, 2010. As indicated in the Advisory Action, however, these amendments were not entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary of the claims is presented in accordance with 37 C.F.R. § 41.37(c)(v).

Appellant's independent claim 1 is directed to a method that includes receiving a first request to provide a requested service. *See, for example,* Application, ¶¶ 9, 11, 38, 40, 45, 49, 51, 52; FIG. 3A, action 3A.4; FIG. 3B, action 3B.4; among others. The first request conforms to a request format defined in a first language. *See, for example,* Application, ¶¶ 9, 10, 33-36, 38, 40, 54; among others. A module performing the receiving the first request is configured to receive the first request from a plurality of source types. *See, for example,* Application, ¶¶ 40, 48, 66; among others. The plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node. *See, for example,* Application, ¶¶ 37, 41, 45; FIGs 1A, 1B, 2A, 2B, 3A, 3B, 4, blocks 114, 140, 140c; among others.

The method includes providing the first request to a language parser configured to parse the first language, and obtaining results of parsing the first request from the language parser. *See, for example,* Application, ¶¶ 38-39, 47, 49, 52, 55, 57; FIGs. 1A, 1B, block 160; among others. The method includes selecting a first device of a plurality of devices to provide the requested service. *See, for example,* Application, ¶¶ 30, 37, 52, 55, 57, 62; FIGs. 1A, 1B, blocks 130A-D; FIG. 3A, action 3A.5; FIG. 3B, action 3B.7; among others. Each of the plurality of devices is configured to provide a corresponding service. *See, for example,* Application, ¶¶ 62-66, 10-11, 13-14, 2-7, 30, 52; among others. At least two devices among the plurality of devices are configured to provide the requested service. *See, for example,* Application, ¶¶ 11, 62, 73; original claim 1; among others. The selecting the first device is performed in response to the obtaining the results of parsing the first request. *See, for example,* Application, ¶¶ 38, 52, 55; among others.

The method includes converting the first request to a second request. *See, for example,* Application, ¶¶ 57, 61; among others. The second request conforms to a request format defined in a second language. *See, for example,* Application, ¶¶ 9, 11, 36, 52, 55, 57; among others. The first device is configured to provide the requested service in response to receiving the second

request. *See, for example,* Application, ¶¶ 11, 52, 55, 56; among others. At least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language. *See, for example,* Application, ¶¶ 76, Abstract; among others.

Claims 2-5, 7-8, and 40-45 depend on independent claim 1.

Appellant's independent claim 19 is directed to a system that includes a receiving means for receiving a first request to provide a requested service. *See, for example,* Application, ¶¶ 9, 11, 38, 40, 45, 49, 51, 52, 70-79; FIG. 7, blocks 714, 718, 748, 730, 747, 736, 734, 728, 733; FIG. 3A, action 3A.4; FIG. 3B, action 3B.4; among others. The first request conforms to a request format defined in a first language. *See, for example,* Application, ¶¶ 9, 10, 33-36, 38, 40, 54; among others. The receiving means is configured to receive the first request from a plurality of source types. *See, for example,* Application, ¶¶ 40, 48, 66; among others. The plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node. *See, for example,* Application, ¶¶ 37, 41, 45; FIGs 1A, 1B, 2A, 2B, 3A, 3B, 4, blocks 114, 140, 140c; among others.

The system includes parsing means for parsing the first request formatted in the first language. *See, for example,* Application, ¶¶ 38-39, 47, 49, 52, 55, 57, 70-79; FIG. 7, block 714; FIGs. 1A, 1B, block 160; among others. The system includes obtaining means for obtaining results of the parsing means, and selecting means for selecting a first device of a plurality of devices to provide the requested service. *See, for example,* Application, ¶¶ 30, 37, 52, 55, 57, 62, 70-79; FIG. 7, block 714; FIGs. 1A, 1B, blocks 130A-D; FIG. 3A, action 3A.5; FIG. 3B, action 3B.7; among others. Each of the plurality of devices is configured to provide a corresponding service. *See, for example,* Application, ¶¶ 62-66, 10-11, 13-14, 2-7, 30, 52; among others. At least two devices among the plurality of devices are configured to provide the requested service. *See, for example,* Application, ¶¶ 11, 62, 73; original claim 1; among others. The selecting means performs the selecting the first device in response to the obtaining means obtaining the results of parsing the first request. *See, for example,* Application, ¶¶ 38, 52, 55; among others.

Application No. 10/748,352

The system includes converting means for converting the first request to a second request. *See, for example,* Application, ¶¶ 57, 61, 70-79; FIG. 7, block 714; among others. The second request conforms to a request format defined in a second language. *See, for example,* Application, ¶¶ 9, 11, 36, 52, 55, 57; among others. The first device is configured to provide the requested service in response to receiving the second request. *See, for example,* Application, ¶¶ 11, 52, 55, 56; among others. At least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language. *See, for example,* Application, ¶¶ 76, Abstract; among others.

Claims 10-12 and 14-15 depend on independent claim 9.

Appellant's independent claim 16 is directed to a computer-readable storage medium. *See, for example,* ¶¶ 70-79; FIG. 7, blocks 742, 744, 738, 716. The computer-readable storage medium includes receiving instructions to receive a first request to provide a requested service. *See, for example,* Application, ¶¶ 9, 11, 38, 40, 45, 49, 51, 52; FIG. 3A, action 3A.4; FIG. 3B, action 3B.4; among others. The first request conforms to a request format defined in a first language. *See, for example,* Application, ¶¶ 9, 10, 33-36, 38, 40, 54; among others. The receiving instructions are further configured to receive the first request from a plurality of source types. *See, for example,* Application, ¶¶ 40, 48, 66; among others. The plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node. *See, for example,* Application, ¶¶ 37, 41, 45; FIGs 1A, 1B, 2A, 2B, 3A, 3B, 4, blocks 114, 140, 140c; among others.

The computer-readable storage medium includes providing instructions to provide the first request to a language parser configured to parse the first language and obtaining instructions for obtaining results of parsing the first request from the language parser. *See, for example,* Application, ¶¶ 38-39, 47, 49, 52, 55, 57; FIGs. 1A, 1B, block 160; among others. The computer-readable storage medium includes selecting instructions to select a first device of a plurality of devices to provide the requested service. *See, for example,* Application, ¶¶ 30, 37, 52, 55, 57, 62; FIGs. 1A, 1B, blocks 130A-D; FIG. 3A, action 3A.5; FIG. 3B, action 3B.7; among others. Each of the plurality of devices is configured to provide a corresponding service.

Application No. 10/748,352

See, for example, Application, ¶¶ 62-66, 10-11, 13-14, 2-7, 30, 52; among others. At least two devices among the plurality of devices are configured to provide the requested service. *See, for example,* Application, ¶¶ 11, 62, 73; original claim 1; among others. The selecting instructions are responsive to the obtaining the results of parsing the first request. *See, for example,* Application, ¶¶ 38, 52, 55; among others.

The computer-readable storage medium includes converting instructions to convert the first request to a second request in a request format defined in a second language. *See, for example,* Application, ¶¶ 57, 61; among others. The second request conforms to the second language. *See, for example,* Application, ¶¶ 9, 11, 36, 52, 55, 57; among others. The first device is configured to provide the requested service in response to receiving the second request. *, for example,* Application, ¶¶ 11, 52, 55, 56; among others. At least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language. *See, for example,* Application, ¶¶ 76, Abstract; among others.

Claims 17-19 and 21-22 depend on independent claim 16.

Appellant's independent claim 23 is directed to a computer system that includes a processor configured to execute instructions. *See, for example,* ¶¶ 70-79; FIG. 7, block 714. The computer system includes a plurality of devices coupled to the computer system. *See, for example,* ¶¶ 37, 39, 70-79; FIG. 7, blocks 130A-D. Each device is configured to perform a corresponding service. *See, for example,* Application, ¶¶ 62-66, 10-11, 13-14, 2-7, 30, 52; among others. The computer system includes a memory, coupled to the processor, and configured to store the instructions. *See, for example,* ¶¶ 70-79; FIG. 7, blocks 742, 744, 738, 716. The instructions include receiving instructions to receive a first request to provide a service. *See, for example,* Application, ¶¶ 9, 11, 38, 40, 45, 49, 51, 52; FIG. 3A, action 3A.4; FIG. 3B, action 3B.4; among others. The first request conforms to a request format defined in a first language. *See, for example,* Application, ¶¶ 9, 10, 33-36, 38, 40, 54; among others. The receiving instructions are further configured to receive the first request from a plurality of source types. *See, for example,* Application, ¶¶ 40, 48, 66; among others. The plurality of source types comprises an applet executing on a first remote network node, and a control module executing on

a second remote network node. *See, for example,* Application, ¶¶ 37, 41, 45; FIGs 1A, 1B, 2A, 2B, 3A, 3B, 4, blocks 114, 140, 140c; among others. At least two devices of the plurality of devices provide the service. *See, for example,* Application, ¶¶ 11, 62, 73; original claim 1; among others.

The instructions include providing instructions to provide the first request to a language parser configured to parse the first language and obtaining instructions to obtain results of parsing the first request from the language parser. *See, for example,* Application, ¶¶ 38-39, 47, 49, 52, 55, 57; FIGs. 1A, 1B, block 160; among others. The instructions include identifying instructions to identify a first device of the at least two devices to provide the service. *See, for example,* Application, ¶¶ 30, 37, 52, 55, 57, 62; FIGs. 1A, 1B, blocks 130A-D; FIG. 3A, action 3A.5; FIG. 3B, action 3B.7; among others. The identifying instructions are responsive to the obtaining the results of parsing the first request. *See, for example,* Application, ¶¶ 38, 52, 55; among others.

The instructions include converting instructions to convert the first request to a second request in a second language. *See, for example,* Application, ¶¶ 57, 61; among others. The second request conforms to a request format defined in the second language. *See, for example,* Application, ¶¶ 9, 11, 36, 52, 55, 57; among others. The first device is configured to provide the service in response to receiving the second request. *See, for example,* Application, ¶¶ 11, 52, 55, 56; among others. At least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language. *See, for example,* Application, ¶¶ 76, Abstract; among others.

Claims 24-29 depend on independent claim 23.

Appellant's independent claim 30 is directed to a system that includes a receiving module configured to receive a first request to provide a service. *See, for example,* Application, ¶¶ 9, 11, 38, 40, 45, 49, 51, 52, 70-79; FIG. 7, blocks 714, 718, 748, 730, 747, 736, 734, 728, 733; FIG. 3A, action 3A.4; FIG. 3B, action 3B.4; among others. The first request conforms to a request format defined in a first language. *See, for example,* Application, ¶¶ 9, 10, 33-36, 38, 40,

54; among others. The receiving module is further configured to receive the first request from a plurality of source types. *See, for example,* Application, ¶¶ 40, 48, 66; among others. The plurality of source types includes an applet executing on a first remote network node, and a control module executing on a second remote network node. *See, for example,* Application, ¶¶ 37, 41, 45; FIGs 1A, 1B, 2A, 2B, 3A, 3B, 4, blocks 114, 140, 140c; among others. At least two devices of a plurality of devices are configured to provide the service. *See, for example,* Application, ¶¶ 11, 62, 73; original claim 1; among others. The plurality of devices is coupled to the system. *See, for example,* ¶¶ 37, 39, 70-79; FIG. 7, blocks 130A-D.

The system includes a language parsing module configured to parse the first language. *See, for example,* Application, ¶¶ 38-39, 47, 49, 52, 55, 57; FIGs. 1A, 1B, block 160; among others. The first request is provided to the language parsing module. *See, for example,* ¶¶ 37, 39, 70-79; FIG. 7, blocks 130A-D. The system includes an identifying module configured to identify a first device of the at least two devices to provide the service. *See, for example,* Application, ¶¶ 30, 37, 52, 55, 57, 62; FIGs. 1A, 1B, blocks 130A-D; FIG. 3A, action 3A.5; FIG. 3B, action 3B.7; among others. The identifying module is responsive to the language parsing module parsing the first request. *See, for example,* Application, ¶¶ 38, 52, 55; among others.

The system includes a converting module configured to convert the first request to a second request in a second language. *See, for example,* Application, ¶¶ 57, 61; among others. The second request conforms to a request format defined in the second language. *See, for example,* Application, ¶¶ 9, 11, 36, 52, 55, 57; among others. The first device is configured to provide the service in response to receiving the second request. *See, for example,* Application, ¶¶ 11, 52, 55, 56; among others. At least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language. *See, for example,* Application, ¶¶ 76, Abstract; among others.

Claims 31-33 and 35-36 depend on independent claim 30.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Did the Examiner err by rejecting claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45 under **35 U.S.C. § 103(a)** based on citations to U.S. Patent No. 6,587,126, issued to Wakai et al. ("**Wakai**") in view of U.S. Patent No. 6,421,733 issued to Tso et al. ("**Tso**"), U.S. Patent No. 7,167,919 issued to Iwamoto, et al. ("**Iwamoto**"), and U.S. Patent Publication No. 2004/0030693 by Toda ("**Toda**")?

VII. ARGUMENT

Appellant respectfully submits that the pending rejections under § 103(a) are reversible error for the reasons set forth below. With regard to each of the rejections under review:

> the examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.

In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also* § 2107.02(IV), *Manual of Patent Examining Procedure* (Ed. 8, Rev. 7, Jul. 2008) ("**MPEP**").

One basis for supporting a rejection under § 103(a) is a finding that "all the claimed elements were known in the prior art." *See* MPEP § 2143.02 (*KSR International Co. v. Teleflex Inc.* [**KSR**], 550 U.S. 398, 417, 82 USPQ2d 1385, 1395 (2007)) (emphasis added). An evaluation under § 103(a) requires consideration of each limitation recited in the claim. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *See* MPEP 2143.03 (*quoting In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

> When determining whether a claim is obvious, an examiner must make "a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

In re Wada and Murphy, slip op. at 7 (Board of Patent Appeals and Interferences, 2007-3733, Jan. 14, 2008).

Contrary to the Final Office Action's assessments, the cited references fail to disclose each limitation of Appellant's claims, as discussed below. Moreover, a person having ordinary skill in the art would not make the modification of the references that is proposed in the Final Office Action. The pending rejections under § 103(a) should be reversed because they rely altogether on erroneous assessments of the cited references.

A. The cited passages fail to disclose each limitation of Appellant's claims.

Appellant's independent claim 1 recites the selecting of a first device of a plurality of devices to provide a requested service. Claim 1 additionally recites that "**each**" of the plurality of devices is configured to provide "**a corresponding service**," and that "**at least two devices among the plurality of devices are configured to provide the requested service**." The cited passages, even when taken in combination as proposed by the Final Office Action, fail to disclose these limitations.

The Final Office Action notes that this combination of limitations is absent from Wakai, Tso, and Iwamoto. *See* Final Office Action, pp. 23-26. Appellant agrees with this assessment of Wakai, Tso, and Iwamoto. With regard to these limitations, the pending rejections rely on two different and inconsistent proposals regarding the features of Toda. Neither of these proposals is capable of supporting the rejection of claim 1.

A1. The cited multifunctional apparatus (MFP) in Toda does not include at least two devices that provide the same "requested service," whether that service is understood as printing or scanning in Toda.

Toda provides a digital multifunctional apparatus (MFP). *See* Toda, FIG. 2 (reproduced below). Toda's MFP purportedly includes printer engine 31, scanner engine 32, and facsimile communication unit 28, all connected via system bus 29. Purportedly, Toda's CPU 21 causes printer engine 31 to form an image, scanner engine 32 to scan a document, and facsimile communication unit 28 to transmit image information. *See* Toda, ¶¶ 46, 51-52.
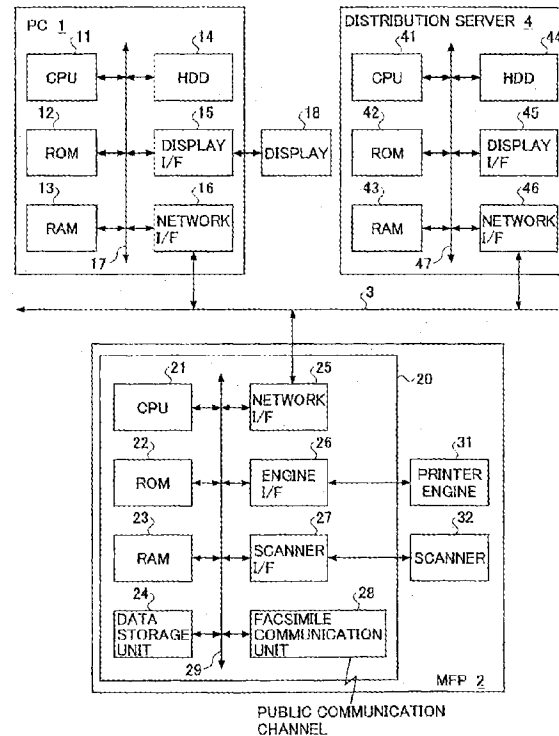
FIG. 2 of Toda

These three elements 31, 32, and 28—used for printing, scanning, and faxing, respectively—are at the heart of the pending rejection. In the Advisory Action, the Examiner equates printer engine 31 or scanner engine 32 with the claimed "at least two devices among the plurality of devices are configured to provide the requested service." But the Examiner notes that Toda's printer element and scanner element each provide a different corresponding service:

> Toda's printing element is configure[d] to provide a corresponding printing service and Toda's scanner element is configured to provide a corresponding scanning service.

See Advisory Action p. 2, lines 28-29.

The Examiner's argument thus rests on a proposition that Toda provides a printing service, and that this printing service reads on the "requested service" in claim 1. Alternatively, the Examiner's argument suggests that Toda provides a scanning service, and that this scanning service reads on the "requested service" in claim 1.

Toda does not, however, teach or suggest that MFP includes at least two printing elements that each provide a printing service. Similarly, Toda does not teach or suggest that MFP includes at least two scanning elements that each provide a scanning service.

Moreover, the combination of Toda's elements 31 and 32 does not add up to two such elements. If Toda's system receives a request to provide a printing service, Toda's printer element may be understood as configured to provide a printing service. But the cited scanner element would <u>not</u> be understood as configured to provide the printing service. Conversely, Toda's scanner element may be understood as configured to provide a requested scanning service. But the cited printer element would <u>not</u> be understood as configured to provide the scanning service.

A person having ordinary skill in the art would readily understand that, as a multifunction device, MFP provides an economy of combined elements in a single device. That economy would be hampered by duplicated elements that provide the same service. More to the point, Toda fails to disclose that MFP should include more than one scanning element or more than one printing element.

Accordingly, whether a skilled person were to view scanning operations or the printing operations in Toda as corresponding to the "requested service" in Appellant's claim 1, Toda would fail to disclose that "at least two devices" among the plurality of devices are "configured to provide the requested service." These limitations are not met by Toda's disclosure of printing operations or scanning operations in MFP.

A2. The cited multifunctional apparatus in Toda also does not include "at least two" devices that "each" provide a copying service.

The Examiner appears to recognize the above-noted shortcomings of Toda with respect to a printing service or a scanning service. In an attempt to overcome these shortcomings, the Examiner suggests an alternative view, in which Toda's MFP is interpreted to include elements that provide a "copy service" which combines scanning and printing. *See* Final Office Action, p. 3; *see also* Advisory Action p. 2, lines 13-17.

But the "copy service" argument fails because neither Toda's printer element nor Toda's scanner element is individually capable of providing a copy service.

Claim 1 recites that "**each**" of the plurality of devices is configured to provide "**a corresponding service**." If Toda's copying operations are to be equated with the "requested service" in claim 1, then neither Toda's printer engine 31 nor Toda's scanner engine 32 qualifies

as a device that is "configured to provide the requested service," as recited in claim 1. A printer is not a copier. While a person having ordinary skill in the art may understand that Toda's printer element could be used in conjunction with another device or element (e.g., a scanner) to support a copy service, that person would also understand that the printer is incapable to "provide" a copy service. Similarly, a scanner is also not a copier, and also not capable to "provide" a copy service. At best, one of these two cited elements is configured to provide a printing service and another of the cited features is configured to provide a scanning service (as correctly acknowledged in the Advisory Action). But the cited features—Toda's printer element and scanner element—are not elements that are "each" configured to provide a copy service. Taken individually, Toda's elements 31 or 32 are not devices that could be understood as providing the proposed copy service.

An alternative viewpoint is also possible—that Toda's elements 31 or 32 <u>together</u> form a copying element that is configured to provide a copy service. But in this alternate view Toda would still fail to disclose the limitations of claim 1 because it would show, at best, single copying element 31+32. There is no teaching or suggestion in Toda that MFP should be understood to include at least two copying elements. Thus, even if Toda is viewed as teaching that MFP includes multiple elements that together provide a requested copying service, Toda would nonetheless fail to disclose "at least two devices" of devices in which "each" of the plurality of devices is configured to provide a corresponding service of copying.

Accordingly, if a skilled person were to view a copying operation in Toda as corresponding to the "requested service" in Appellant's claim 1, Toda would fail to disclose a plurality of devices, "each" of which is configured to provide "a corresponding service," with "at least two devices" among the plurality of devices being "configured to provide the requested service." These limitations are not met by the copying operations in Toda's MFP.

At least for this reason, the cited passages fall short of meeting each limitation of independent claim 1. A rejection under § 103(a) may establish, among others, that "all the claimed elements were known in the prior art." *See* MPEP § 2143.02 (citing *KSR*, 550 U.S. at 417, 82 USPQ2d at 1395). The pending rejection of claim 1 attempts to meet this standard, but falls short because of above-noted shortcoming of the cited passages of Toda. The Final Office Action notes that this combination of limitation is absent from Wakai, Tso, and Iwamoto. *See*

Final Office Action, pp. 23-26. Appellant also does not find a remedy to these shortcomings in other passages of Toda, or in Wakai, Tso, or Iwamoto, whether taken individually or in combination with each other and the knowledge available to a person having ordinary skill in the art.

Accordingly, the pending rejection under § 103(a) of independent claim 1 is in error and should be reversed. Independent claims 9, 16, 23, and 30 have been rejected on grounds substantially similar to those discussed with regard to claim 1. Thus, at least for similar reasons, the pending rejections under § 103(a) of independent claims 9, 16, 23, and 30 are also in error and should be reversed.

Claims 2-5, 7-8, 10-12, 14-19, 21-22, 24-29, 31-33, 35-36, and 40-45 depend variously on independent claims 1, 9, 16, 23, and 30, and therefore present allowable subject matter, being dependent on allowable base claims. At least for similar reasons, therefore, the pending rejections under § 103(a) of claims 2-5, 7-8, 10-12, 14-19, 21-22, 24-29, 31-33, 35-36, and 40-45 are also in error and should be reversed.

B. Dependent claim 45 is additionally distinguished over the cited "multifunction" apparatus of Toda.

Claim 45 depends on claim 1, and is therefore allowable over the cited references as discussed above. Further, the cited passages of Toda have additional shortcomings in view of the limitations of claim 45, which also depends on claim 44. Claim 45 includes limitations of **"adding a new device to the plurality of devices"** (in intervening claim 44) and that **"the first device is the new device."**

With regard to the "new device," the Final Office Action cites multiple possible elements of Wakai, Tso, and Toda. *See* Final Office Action, p. 36.

With regard to the "first device," the Final Office Action cites Toda's printer element. *See* Final Office Action, p. 22. But Toda fails to disclose that this element also "is" the new device that is added, or could be added, into the Toda system. Indeed, Toda teaches the opposite: Toda's elements are combined in a single digital multifunctional apparatus (MFP). *See* Toda, ¶¶ 51, 58, 231, 46.

These teachings of Toda's integrated multifunction device militate against "**adding**" a new device, such as the cited printer device, in a system such as into Toda's MFP. Such an addition would be particularly counterintuitive for Toda's system if the added device were wholly or partially duplicative or redundant, as would be the case in Toda's system were somehow modified so that "at least two devices" were configured to provide the requested service, as recited in claim 1, on which claim 45 depends.

The rejection of claim 45 does not adequately address this limitation of "adding a new device to the plurality of devices," where "the first device is the new device." Citing various passages of Wakai, Tso, and Toda, the Final Office Action proposes that various teachings of the references would somehow render these limitations obvious "as the multifunction apparatus is newly connected to the LAN." This observation does not at all address the significant shortcoming that Toda's printer element (e.g., printer engine 31) is an integral component of the digital multifunctional apparatus (MFP). The integrated nature of this element is an emphasized feature of Toda's "multifunction" apparatus. Neither Wakai, Tso, nor Toda teach or suggest that this is an element that should be provided for modularly supplementing Toda's MFP, or otherwise "adding" into the MFP. Further, merely adding Toda's MFP to a LAN, as suggested by the Examiner, would not constitute adding a new device to the plurality of devices, if those devices are the devices in Toda's MFP, as cited in the pending rejections.

The cited passages thus additionally fail to disclose "adding a new device to the plurality of devices," where "the first device is the new device," as recited in claim 45. Accordingly, claim 45 is additionally patentable under § 103(a).

C. The proposed modification of Toda's CPU 21 with Tso's parser 22 would be inconsistent with the teachings of Toda and Tso.

Appellant further submits that a person having ordinary skill in the art would not make the combination of references as proposed in the Final Office Action. In the proposed combination, Toda's CPU 21 would need to be modified so that it operates in response to actions by Tso's language parser 22, among other modifications. A skilled person would not make this modification since such an addition would be cumulative in functionality.

Appellant's independent claim 1 recites providing a request to a language parser configured to parse a first language. The request conforms to a request format defined in the first language. Claim 1 further recites selecting a first device of a plurality of devices in response to obtaining the results of parsing the first request, and converting the request to a second request in a second language.

The Final Office Action equates Tso's language parser 22 with the language parser recited in Appellant's claim 1. See Final Office Action, p. 24. The Final Office Action correctly notes, however, that neither Tso, Wakai, nor Iwamoto teach that Tso's language parser 22 is suitable for operation with a plurality of devices, in which at least one device is "configured to receive requests only in a format that is incompatible with the request format defined in the second language." See Final Office Action, p. 24.

With regard to this limitation, the Final Office Action turns to Toda. As discussed above, the Final Office Action proposes that the "plurality of devices" is met by printer element 31, scanner element 32, and facsimile element 28 in Toda's MFP. See Final Office Action, p. 26. Toda's elements 28, 31, and 32 are connected via a system bus to CPU 21, which purportedly processes commands received through network interface 25. See Toda, ¶ 52. Toda's CPU 21 interprets commands from a personal computer and performs corresponding operations in response to receiving the commands. See id. In particular, Toda's CPU 21 "causes the printer engine 31 to form an image, the scanner engine 32 to scan a document, and the facsimile communication unit 28 to transmit image information." See id.

Thus, <u>commands from Toda's PC 1 are given effect on the cited elements 28, 31, and 32 through CPU 21</u>, and any selection of the cited elements 28, 31, or 32 would be performed by CPU 21. Appellant's claim 1 recites that "**selecting the first device**" is performed "**in response to said obtaining the results of parsing the first request**." In order to meet these limitations, CPU 21 of Toda would need (among others) to be modified so that it operates in response to actions by the cited language parser 22 of Tso, instead of Toda's CPU 21.

But Toda teaches that CPU 21 is functionally adequate for the operations of communicating with and controlling Toda's elements 28, 31, and 32. Accordingly, a person having ordinary skill in the art would see no need to modify CPU 21 as proposed in the Final Office Action. The Final Office Action's proposed benefits of "more efficient control of the

　　　　　　　　　　　　　　　　Application No. 10/748,352

multi-function device" and "improving compatibility" are unjustified and insufficient. The Final Office Action fails to explain how a modification of Toda's already-suitable CPU 21 would achieve more efficient control or improved compatibility with elements 28, 31, or 32 or other features of MFP. Indeed, Toda itself teaches that the system described therein already provides efficient control (*see* Toda, ¶ 11) and improved compatibility (*see* Toda, ¶ 15).

Moreover, Tso's parser 22 would not improve Toda's CPU 21 in these regards. Parser 22 can be included in a transcoder in a client device. *See* Toda, 3:8-21. "Parser 22," in one embodiment, "selects an appropriate transcode service provider 24 based, for example, on the content type of the data stream. In this context, the term content type encompasses a datatype, an HTTP MIME (Multipurpose Internet Mail Extensions) type, a content format, and so on." Tso, 6:37-41.

The additional modules used with Tso's parser 22—such as Tso's transcode service provider 24—would add unnecessary and unwieldy overhead to Toda's CPU 21 and overall design. Moreover, the content types relevant to parser 22—such as Tso's datatype, HTTP MIME type, or content format—are not described as being relevant or even usable by Toda's CPU 21.

In view of these discrepancies, Appellant respectfully submits that the proposed combination of references, which requires Toda's CPU 21 to be modified with Tso's parser 22, would not be made by a person having ordinary skill in the art. All of the pending rejections under § 103(a) rely on this proposed combination of references. Appellant respectfully submits that at least for this additional reason, the pending claims are allowable under § 103(a).

Conclusion

Appellant respectfully submits that the rejections of claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45 are reversible error for at least the above-stated reasons. Appellant respectfully requests that the Board reverse the rejections of these claims.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Appellant hereby petitions for such extensions. Appellant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. §§ 1.16 or 1.17, be charged to deposit account 502306.

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I hereby certify that this correspondence is being submitted to the U.S. Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on <u>November 10, 2010 (CT)</u> by being (a) transmitted via the USPTO's electronic filing system; or (b) transmitted by facsimile to 571-273-8300; or (c) deposited with the U.S. Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Mail Stop <u>Appeal Brief - Patents</u>, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<u>/ Cyrus F. Bharucha /</u>   <u>November 10, 2010</u>
Cyrus F. Bharucha   Date

</td><td>

Respectfully submitted,

/Cyrus F. Bharucha/

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     Application No. 10/748,352

VIII. CLAIMS APPENDIX

1.   (Previously presented) A method comprising:

receiving a first request to provide a requested service, wherein

> the first request conforms to a request format defined in a first language,
>
> a module performing said receiving the first request is configured to receive the first request from a plurality of source types, and
>
> the plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node;

providing the first request to a language parser configured to parse the first language;

obtaining results of parsing the first request from the language parser;

selecting a first device of a plurality of devices to provide the requested service, wherein

> each of the plurality of devices is configured to provide a corresponding service,
>
> at least two devices among the plurality of devices are configured to provide the requested service, and
>
> said selecting the first device is performed in response to said obtaining the results of parsing the first request; and

converting the first request to a second request, wherein

> the second request conforms to a request format defined in a second language,
>
> the first device is configured to provide the requested service in response to receiving the second request, and
>
> at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

2.   (Previously presented) The method of claim 1 further comprising:

        directing the second request to the first device.

3.   (Original) The method of claim 2 wherein

        the first language is a markup language;

        the second language is a device-specific language of a plurality of device-specific
                languages, wherein

                each of the plurality of devices communicates using one of the plurality of device-
                        specific languages.

4.   (Previously presented) The method of claim 2 wherein the request formats comprise:

        at least one instruction, and

        data to be used when performing the at least one instruction.

5.   (Previously presented) The method of claim 4 further comprising:

        specifying use of a specific feature of the first device, wherein

                said specifying use of the specific feature comprises specifying an optional
                        variable and providing a value for the optional variable, and

                said converting the first request to the second request comprises

                        including the optional variable in the at least one instruction of the second
                                request, and

                        including the value for the optional variable in the data of the second
                                request.

6.   (Canceled)

7.   (Previously presented) The method of claim 1 further comprising:

sending a response to the first request, wherein

the response conforms to a response format defined in the first language.

8.   (Previously presented) The method of claim 7 wherein the response format comprises:

at least one instruction; and

data to be used when performing the at least one instruction.

9.   (Previously presented) A system comprising:

receiving means for receiving a first request to provide a requested service, wherein

the first request conforms to a request format defined in a first language,

the receiving means is configured to receive the first request from a plurality of source types, and

the plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node;

parsing means for parsing the first request formatted in the first language;

obtaining means for obtaining results of said parsing means;

selecting means for selecting a first device of a plurality of devices to provide the requested service, wherein

each of the plurality of devices is configured to provide a corresponding service,

at least two devices among the plurality of devices are configured to provide the requested service, and

the selecting means performs said selecting the first device in response to said obtaining means obtaining the results of parsing the first request; and

converting means for converting the first request to a second request, wherein

the second request conforms to a request format defined in a second language,

Application No. 10/748,352

the first device is configured to provide the requested service in response to receiving the second request, and

at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

10. (Previously presented) The system of claim 9 further comprising:

directing means for directing the second request to the first device.

11. (Previously presented) The system of claim 10 wherein the request formats comprise:

at least one instruction, and

data to be used when performing the at least one instruction.

12. (Previously presented) The system of claim 11 further comprising:

first including means for including an optional variable in the at least one instruction of the second request; and

second including means for including a value of the optional variable in the data of the second request, wherein

the optional variable and the value specify use of a specific feature of the first device.

13. (Canceled)

14. (Previously presented) The system of claim 9 further comprising:

sending means for sending a response to the first request, wherein

the response conforms to a response format defined in the first language.

Application No. 10/748,352

15. (Previously presented) The system of claim 14 wherein the response format comprises:

at least one instruction; and

data to be used when performing the at least one instruction.

16. (Previously presented) A computer-readable storage medium comprising:

receiving instructions to receive a first request to provide a requested service, wherein

the first request conforms to a request format defined in a first language,

the receiving instructions are further configured to receive the first request from a plurality of source types, and

the plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node;

providing instructions to provide the first request to a language parser configured to parse the first language;

obtaining instructions for obtaining results of parsing the first request from the language parser;

selecting instructions to select a first device of a plurality of devices to provide the requested service, wherein

each of the plurality of devices is configured to provide a corresponding service,

at least two devices among the plurality of devices are configured to provide the requested service, and

the selecting instructions are responsive to the obtaining the results of parsing the first request; and

converting instructions to convert the first request to a second request in a request format defined in a second language, wherein

the second request conforms to the second language, and

the first device is configured to provide the requested service in response to

receiving the second request, and

at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

17.   (Previously presented) The computer-readable storage medium of claim 16 further comprising:

directing instructions to direct the second request to the first device.

18.   (Previously presented) The computer-readable storage medium of claim 17, wherein the request formats comprise:

at least one instruction, and

data to be used when performing the at least one instruction.

19.   (Previously presented) The computer-readable storage medium of claim 18 further comprising:

first including instructions to include an optional variable in the at least one instruction of the second request; and

second including instructions to include a value of the optional variable in the data of the second request, wherein

the optional variable and the value specify use of a specific feature of the first device.

20.   (Canceled)

21.   (Previously presented) The computer-readable storage medium of claim 16 further comprising:

sending instructions for sending a response to the first request, wherein

the response conforms to a response format defined in the first language.

22.   (Previously presented) The computer-readable storage medium of claim 21 wherein the response format comprises:

at least one instruction; and

data to be used when performing the at least one instruction.

23.   (Previously presented) A computer system comprising:

a processor configured to execute instructions;

a plurality of devices coupled to the computer system, wherein

each device is configured to perform a corresponding service; and

a memory, coupled to the processor, and configured to store the instructions, wherein

the instructions comprise

receiving instructions to receive a first request to provide a service, wherein

the first request conforms to a request format defined in a first language,

the receiving instructions are further configured to receive the first request from a plurality of source types,

the plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node, and

at least two devices of the plurality of devices provide the service;

providing instructions to provide the first request to a language parser configured to parse the first language;

obtaining instructions to obtain results of parsing the first request from the language parser;

identifying instructions to identify a first device of the at least two devices to provide the service, wherein

the identifying instructions are responsive to the obtaining the results of parsing the first request; and

converting instructions to convert the first request to a second request in a second language, wherein

the second request conforms to a request format defined in the second language, and

the first device is configured to provide the service in response to receiving the second request, and

at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

24.   (Previously presented) The computer system of claim 23 wherein the instructions further comprise:

directing instructions to direct the second request to the first device.

25.   (Previously presented) The computer system of claim 24 wherein the request format comprises

at least one instruction, and

data to be used when performing the at least one instruction.

26.   (Previously presented) The computer system of claim 25 wherein the instructions further comprise:

first including instructions to include an optional variable in the at least one instruction of the second request; and

second including instructions to include a value of the optional variable in the data of the second request, wherein

the optional variable and the value specify use of a specific feature of the first device.

27.   (Previously presented) The computer system of claim 24 wherein the instructions further comprise:

sending instructions for sending a response to the first request.

28.   (Original) The computer system of claim 27 wherein

the response conforms to a response format defined in the first language.

29.   (Previously presented) The computer system of claim 28 wherein

the response format comprises:

at least one instruction; and

data to be used when performing the at least one instruction.

30.   (Previously presented) A system comprising:

a receiving module configured to receive a first request to provide a service, wherein

the first request conforms to a request format defined in a first language,

the receiving module is further configured to receive the first request from a plurality of source types,

the plurality of source types comprises an applet executing on a first remote network node, and a control module executing on a second remote network node,

at least two devices of a plurality of devices are configured to provide the service, and

the plurality of devices is coupled to the system;

a language parsing module configured to parse the first language, wherein

the first request is provided to the language parsing module;

an identifying module configured to identify a first device of the at least two devices to provide the service, wherein

the identifying module is responsive to the language parsing module parsing the

first request; and

a converting module configured to convert the first request to a second request in a

second language, wherein

the second request conforms to a request format defined in the second language,

and

the first device is configured to provide the service in response to receiving the

second request, and

at least one of the plurality of devices is configured to receive requests only in a

format that is incompatible with the request format defined in the second

language.

31.   (Previously presented) The system of claim 30 further comprising:

a directing module to direct the second request to the first device.

32.   (Previously presented) The system of claim 31 wherein

the request formats comprise:

at least one instruction; and

data to be used when performing the at least one instruction.

33.   (Previously presented) The system of claim 32 further comprising:

a first including module to include an optional variable in the at least one instruction of

the second request; and

a second including module to include a value of the optional variable in the data of the

second request, wherein

the optional variable and the value specify use of a specific feature of the first

device.

34.   (Canceled)

35.   (Previously presented) The system of claim 30 further comprising:

a sending module for sending a response to the first request, wherein

the response conforms to a response format defined in the first language.

36.   (Previously presented) The system of claim 35 wherein

the response format comprises:

at least one instruction; and

data to be used when performing the at least one instruction.

37-39. (Canceled)

40.   (Previously presented) The method of claim 1 wherein

the plurality of source types comprises a magnetic card reader.

41.   (Previously presented) The method of claim 1 further comprising:

receiving a third request to provide a second requested service, wherein

the third request conforms to the request format defined in the first language,

said receiving the third request is performed by the module in the computer

system,

providing the third request to the language parser;

obtaining results of parsing the third request from the language parser;

selecting a second device of the plurality of devices to provide the second requested

service, wherein

said selecting the second device is performed in response to said obtaining the

results of parsing the third request; and

converting the third request to a fourth request, wherein

Application No. 10/748,352

the fourth request conforms to a request format defined in a third language,

the second device is configured to provide the second requested service in
response to receiving the fourth request, and

at least one of the plurality of devices is configured to receive requests only in a
format that is incompatible with the request format defined in the third
language.

42.   (Previously presented) The method of claim 1, wherein the at least two devices
configured to provide the requested service comprise:

the first device, wherein

the first device comprises a first application program interface (API) configured
to receive instructions in a first device-specific native language; and

a second device, wherein

the second device comprises a second API configured to receive instructions in a
second device-specific native language, and

the second device-specific native language is distinct from the first device-
specific native language.

43.   (Previously presented) The method of claim 1, wherein the at least two devices
configured to provide the requested service comprise:

the first device, wherein

the first device is produced by a first vendor;

a second device, wherein

the second device is produced by a second vendor;

the second vendor is distinct from the first vendor.

44.   (Previously presented) The method of claim 1 further comprising:

adding a new device to the plurality of devices; and

coupling the new device to the language parser, wherein

the new device is configured to provide the requested service.

45.   (Previously presented) The method of claim 43, wherein the first device is the new

device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.

Application No. 10/748,352